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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SEAN T. DOUTRE,

Plaintiff,

vs.

DR. ROMEO ARANAS, BENEDICTO
GUTIERREZ, CHERYL DRESSLER, B.
OLIVER, AND DOE DEFENDANT,

Defendants.

Case No. : 2:12-cv-00772-RFB-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

**(Third Request – Submitted in
Compliance with LR 26-4)**

STIPULATION

Plaintiff Sean T. Doutre, by and through his counsel of record, Holland & Hart LLP, and Defendants Dr. Romeo Aranas, Benedicto Gutierrez, and Cheryl Dressler, by and through their counsel of record, the State of Nevada Office of the Attorney General, hereby stipulate to extend the deadlines for discovery within the Court's January 6, 2015 Amended Scheduling Order, as amended by the Court's May 18, 2015 Order granting the parties' second request to extend discovery deadlines as follows:

1. On January 5, 2015, the Plaintiff filed a Stipulation and Order to Amend the Scheduling Order (Dkt. 59).
2. An Amended Scheduling Order was entered on January 6, 2015 (Dkt. 60).
3. The Court's Amended Scheduling Order set the discovery deadline in this action for June 8, 2015.

1 4. On May 15, 2015, the parties filed a Stipulation to Extend Discovery Deadline
2 (Second Request) (Dkt. 65) with the Court, requesting the discovery deadline be extended to
3 August 7, 2015.

4 5. The Court granted that request on May 18, 2015 (Dkt. 66).

5 6. On May 29, 2015, Defendants filed a Notice of Association of Counsel (Dkt. 67)
6 adding Frederick J. Perdomo as counsel for Defendants. Mr. Perdomo is substituting as counsel
7 while Ms. McKay is on maternity leave.

8 7. Plaintiff has completed the following discovery to date:

9 a. On December 22, 2014, Plaintiff served his Initial Disclosures to
10 Defendants;

11 b. On December 22, 2014, Plaintiff served his First Set of Interrogatories to
12 Defendants;

13 c. On December 22, 2014, Plaintiff served his First Set of Requests for
14 Admissions to Defendants;

15 d. On December 22, 2014, Plaintiff served his First Set of Requests for
16 Production of Documents to Defendants;

17 e. On April 16, 2015, Plaintiff served Carson Tahoe Regional Healthcare
18 with a Subpoena to Produce Documents, Information, or Objects or to
19 Permit Inspection of Premises. Plaintiff subsequently received the
20 requested documents from Carson Tahoe Regional Healthcare on or about
21 May 11, 2015;

22 f. On April 16, 2015, Plaintiff served Valley Hospital Medical Center with a
23 Subpoena to Produce Documents, Information, or Objects or to Permit
24 Inspection of Premises. Plaintiff subsequently received the requested
25 documents from Carson Tahoe Regional Healthcare on or about May 12,
26 2015;

27 g. On April 21, 2015, Plaintiff deposed Defendant Benedicto Gutierrez at a
28 duly noticed deposition;

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- h. On April 30, 2015, Plaintiff served Dr. Syed Ahmad with a Subpoena to Testify at a Deposition or to Produce Documents in a Civil Action. That deposition was set for May 27, 2015 at 9:00 a.m. and has been subsequently continued pursuant to agreement;
- i. On May 1, 2015, Plaintiff served Defendants with a Third Amended Notice of Deposition for Defendant Dr. Romeo Aranas. That deposition was set for May 18, 2015 at 10:30 a.m. and has been subsequently continued pursuant to agreement;
- j. On May 6, 2015, Plaintiff served Defendants with his First Supplement to Plaintiff's Initial Disclosures;
- k. On May 6, 2015, Plaintiff served his Second Set of Requests for Production of Documents to Defendants;
- l. On May 6, 2015, Plaintiff served his Second Set of Interrogatories to Defendants; and
- m. On May 11, 2015, Plaintiff served Defendants with his Second Supplement to Plaintiff's Initial Disclosures.

8. Defendants have completed the following discovery to date:

- a. On December 23, 2014, Defendants served their Initial Disclosures to Plaintiff;
- b. On March 9, 2015, Defendant Romeo Aranas served Plaintiff with his Responses to Plaintiff's First Set of Interrogatories;
- c. On March 9, 2015, Defendant Benedicto Gutierrez served Plaintiff with his Responses to Plaintiff's First Set of Interrogatories;
- d. On March 9, 2015, Defendant Romeo Aranas served Plaintiff with his Responses to Plaintiff's First Set of Requests for Admissions;
- e. On March 9, 2015, Defendant Benedicto Gutierrez served Plaintiff with his Responses to Plaintiff's First Set of Requests for Admissions;
- f. On March 9, 2015, Defendant Cheryl Dressler served Plaintiff with her

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- Response to Plaintiff's First Set of Requests for Admissions;
- g. On March 17, 2015, Defendants served their First Supplement to Disclosures;
- h. On March 17, 2015, Defendants served their Responses to Plaintiff's First Set of Requests for Production of Documents to Plaintiff;
- i. On March 24, 2015, Defendant Cheryl Dressler served her Amended Responses to Plaintiff's First Set of Interrogatories;
- j. On May 5, 2015, Defendants served their Second Supplement to Disclosures;
- k. On May 5, 2015, Defendants served Plaintiff with their Second Supplemental Response to Plaintiff's Request for Production of Documents Number 12;
- l. On May 13, 2013, Defendants served their Third Supplement to Disclosures; and
- m. On May 15, 2015, Defendants deposed Plaintiff Sean T. Doutre at a duly noticed deposition.

9. The following discovery remains to be completed:

- a. Plaintiff duly noticed the deposition of Dr. Syed Ahmad for May 27, 2015. Pursuant to agreement, the parties have continued the deposition due to a scheduling conflict and to facilitate settlement discussions.
- b. Plaintiff duly noticed the deposition of Defendant Dr. Romeo Aranas for May 18, 2015 at 10:30 a.m. Pursuant to agreement, the parties have continued the deposition to facilitate settlement discussions.
- c. Either Party may need to depose additional witnesses, recently discovered through the discovery process;
- d. Defendants' responses to Plaintiff's Second Set of Interrogatories and Second Set of Request for Production of Documents is currently outstanding. Pursuant to agreement, the parties have agreed to continue

the Defendants' response deadline to a date uncertain to be agreed upon in the event the parties are unable to reach a settlement.

10. Discovery cannot be completed within the time scheduled for the following reasons:

- a. The parties previously requested a sixty (60) day extension of the discovery deadline to facilitate settlement discussions after the parties renewed settlement discussions on May 15, 2015.
- b. While the parties have been engaged in settlement discussions since May, they have been unable to reach a resolution to date.
- c. The parties continue to work towards a settlement resolution but settlement discussions have been delayed due to Rick Perdomo's recent association into this case and Plaintiff's counsel's difficulties in reaching their client.
- d. Accordingly, the parties need additional time to engage in settlement discussions.
- e. In addition, even if the parties were to cease settlement discussions in the near future, it would be nearly impossible to complete discovery by the August 7, 2015 deadline. The parties still need to re-set the depositions of Dr. Aranas and Dr. Ahmad in addition to possibly depositing additional witnesses who have recently been discovered through the discovery process.

11. The parties propose the following schedule for the remaining discovery:

- a. Discovery cut-off: Discovery is currently set to close on August 7, 2015.

The parties hereby stipulate to extend the discovery cut-off date by sixty (60) days to **October 6, 2015**.

- b. Dispositive Motions: The deadline to file dispositive motions is currently set for September 7, 2015. The parties hereby stipulate to extend the dispositive motion deadline to **November 5, 2015**, which is thirty (30) days after the proposed close of discovery.

c. Pretrial Order: The deadline for the Court's pretrial order is currently set for October 7, 2015. The parties hereby stipulate to extend the Pretrial Order deadline to **December 7, 2015**, thirty-two (32) days after the proposed dispositive motion deadline as the thirtieth day otherwise falls on a Saturday.

d. Trial: On April 8, 2015, the parties filed their Joint Interim Status Report. Within the report, the parties proposed a January 2016 trial date to accommodate counsel for both parties counsel's maternity leave. The parties anticipate that because at least one party intends to file a dispositive motion in this case if the matter does not settle, a January 2016 trial date may not be possible.

12. This extension is sought in good faith and the parties respectfully request that the Court enter an order granting the requested extension.

DATED this 9th day of July, 2015.

HOLLAND & HART LLP

By /s/ Andrea M. Champion
Patrick J. Reilly, Esq.
Andrea M. Champion, Esq.
Attorneys for Plaintiff

DATED this 9th day of July, 2015.

ATTORNEY GENERAL'S OFFICE

By /s/ Frederick J. Perdomo
Frederick J. Perdomo, Esq.
Attorneys for Defendants

ORDER

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE
DATED: 7-24-2015

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